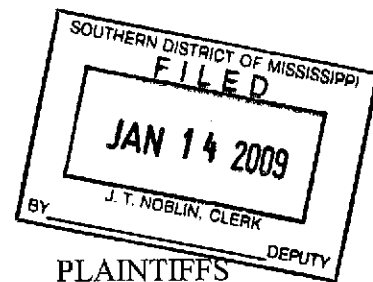


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION



LIONEL BRADLEY and DOROTHY BRADLEY

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:09cv 86 LG-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**NOTICE OF REMOVAL**

NOW COMES STATE FARM FIRE AND CASUALTY COMPANY, the Defendant in the above styled action, by and through counsel, and files this its Notice of Removal of a cause styled: *Lionel Bradley and Dorothy Bradley v. State Farm Fire and Casualty Company*, currently pending in the Circuit Court of Hancock County, Mississippi, bearing Cause Number 08-0464 ("State Court Action") and petitions this Court, pursuant to 28 U.S.C. §§ 1332 and 1441, to accept this Notice of Removal, and in support thereof, would show the following, to-wit:

1. State Farm Fire and Casualty Company (hereinafter referred to as "State Farm") is a defendant in the above entitled action pending in the Circuit Court of Hancock County, Mississippi.
2. The above-entitled action was filed on or about August 27, 2008 in the Circuit Court of Hancock County, Mississippi bearing Civil Action No. 08-0464. Service of process was had upon State Farm, on or about December 17, 2008, State Farm reserves the right to and specifically asserts all applicable defenses to which it may be entitled pursuant to Federal Rule of Civil Procedure 4, Federal Rule of Civil Procedure 12, Mississippi Rule of Civil Procedure 4 and Mississippi Rule of Civil Procedure 12.

3. State Farm desires to exercise its right under the provisions of 28 U.S.C. §§1332 and 1441 to remove this action from the Circuit Court of Hancock County, Mississippi, to the United States District Court for Southern District of Mississippi, Southern Division, and would therefore show that this Notice is timely filed and is in all respects proper.
4. The aforementioned action is a breach of contract action for recovery of amounts alleged to be due the Plaintiffs by and from State Farm under a Homeowners Policy of Insurance issued by State Farm. Plaintiffs seek compensatory damages, costs, attorneys fees, interest and punitive damages bringing this suit within the jurisdiction amount of this Court.
5. Plaintiffs, Lionel Bradley and Dorothy Bradley, are citizens of the State of Mississippi.
6. State Farm is an Illinois corporation with its principal place of business in the State of Illinois.
7. The Circuit Court of Hancock County, Mississippi, in which the State Court action is pending, is located within the jurisdiction of this court.
8. State Farm would show that no change in citizenship or domiciliary status of the parties has occurred since the commencement of this action in the Circuit Court of Hancock County, Mississippi.
9. The United States District Court for the Southern District of Mississippi, Southern Division, has original jurisdiction of the above-entitled action by reason of the amount demanded and by reason of the diversity of citizenship between the Plaintiffs and Defendant, State Farm, all as herein described and set forth, pursuant to 28

U.S.C. §1332.

10. Therefore, in the cause pending in the Circuit Court of Hancock County, Mississippi, there is the requisite amount in controversy and diversity of citizenship so that said cause is removable and may be properly removed from the Circuit Court of Hancock County, Mississippi, to this Honorable Court.
11. Pursuant to 28 U.S.C. §1446(a), State Farm attaches hereto and incorporates herein by reference as composite Exhibit "A", a certified copy of the Circuit Court file, all process, pleadings, and orders served upon State Farm in Civil Action No. 08-0464 in the Circuit Court of Hancock County, Mississippi, as of the date of the filing of this Notice of Removal. State Farm reserves the right to and specifically asserts all applicable defenses to which it may be entitled pursuant to Federal Rule of Civil Procedure 4, Federal Rule of Civil Procedure 12, Mississippi Rule of Civil Procedure 4 and Mississippi Rule of Civil Procedure 12.
12. Concurrently with the filing of this Notice of Removal, State Farm is giving written notice to all known parties, and to the Clerk of the Circuit Court of Hancock County, Mississippi: (i) of this removal; (ii) of the fact that this case is to be docketed in this Court; and (iii) that this Court shall hereafter be entitled to grant all relief to State Farm as is proper under the circumstances, all in accordance with such local rules as may be applicable.

WHEREFORE, PREMISES CONSIDERED, State Farm, Defendant in the Circuit Court of Hancock County, Mississippi, prays that its Notice of Removal be received and filed, and that said action now and heretofore pending in the Circuit Court of Hancock County, Mississippi, bearing Civil Action No. 08-0464 on the general docket of said Court, be removed from the Circuit Court


of Hancock County, Mississippi, to the United States District Court for the Southern District of Mississippi, Southern Division. State Farm further prays this Honorable Court will assume full and complete jurisdiction hereof, with all issues pertaining thereto, and that the Circuit Court of Hancock County, Mississippi, proceed no further unless and until the above styled and numbered cause be remanded.

THIS the 1<sup>st</sup> day of January, 2009.

Respectfully submitted,

**STATE FARM FIRE AND  
CASUALTY COMPANY**

BY:

  
JESSICA M. DUPONT  
MS BAR NO: 102262

JAMES H. HEIDELBERG (MS BAR NO 2212)  
JESSICA M. DUPONT (MS BAR NO 102262)  
HEIDELBERG, STEINBERGER  
COLMER & BURROW, P.A.  
POST OFFICE BOX 1407  
PASCAGOULA, MS 39568-1407  
PHONE: (228) 762-8021  
FAX: (228) 762-7589

**CERTIFICATE OF SERVICE**

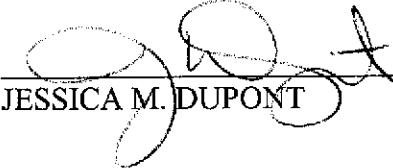
I, JESSICA M. DUPONT, of the firm of Heidelberg, Steinberger, Colmer & Burrow, P.A., do hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing *Notice of Removal* to:

WYNN E. CLARK, ESQ.  
2510 16th Street  
Gulfport, Mississippi 39501

JOHN G. CLARK, ESQ.  
3108 Canty Street  
Post Office Drawer 1268  
Pascagoula, MS 39568-1268

**ATTORNEYS FOR THE PLAINTIFFS**

THIS, the \_\_\_\_ day of January, 2009.

  
\_\_\_\_\_  
JESSICA M. DUPONT